

Application/Control Number: 09/775,585
Art Unit: 2141

Docket No.: 1999-0735CIP

REMARKS

Reconsideration and allowance are requested. Claims 1, 3 - 7, 9, 10, 14 and 16 - 23 are rejected. Claims 2, 8 and 15 are withdrawn from consideration. Claim 21 is cancelled and claims 1, 14 and 16 are amended. The cancellation of claim 21 obviates the Examiner's objection to this claim. Claim 16 is also amended to be dependent from claim 14 as mentioned by the Examiner and not for patentability. Claim 22 is amended only to correct the claim dependence introduced by the cancellation of claim 21.

Rejection of Claims 1, 2, 3 - 7, 9 - 10, 14 and 16 - 23 under Section 102(b)

The Examiner rejects claims 1, 2, 3 - 7, 9 - 10, 14 and 16 - 23 under Section 102(b) as being unpatentable over U.S. Pat. No. 6,029,045 to Picco et al. ("Picco et al."). As mentioned above, claim 21 is cancelled rendering the rejection of this claim moot.

We first address claim 1. Claim 1 recites a method for receiving performance information over a network for generating a pseudo-live performance. A minor amendment to this claim clarifies the step of detecting a need for the performance information. The step of detecting a need for performance information is performed by determining a time of a previous information reception event, detecting a status of a storage device and accessing a profile. In claim 1, the term "previously" is amended to "previous" to fix a typographical error. Applicant submits that contrary to the Examiner's assertion, this step is not taught in Picco et al.

The Examiner asserted that Picco et al. teach the step of determining a time of a previous information reception event, detecting a status of a storage device and accessing a profile in various locations outlined on page 3 of the Office Action. The Examiner stated in the Advisory Action that claim 1 now requires all the features in detection rather than one or more. Applicant respectfully submits that the limitation of determining a time of a previous

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information reception event is taught at none of the portions of Picco et al. identified by the Examiner. Although column 7 of Picco et al., as identified by the Examiner, references updating content as instructed by the scheduler 148, this is not the same process as determining a time of a previous information reception event. The scheduler 148 in Picco et al. relates to a statistical scheduling system that includes viewing information and usage of the system at a person's home. Picco et al. simply do not teach performing the step of determining a time of a previous information reception event as is recited in claim 1. Picco et al. focus mainly on the process of inserting local content into programming content and scheduling that insertion. Once the program is viewed, there is no determination of any previous information reception event. For these reasons, Applicant respectfully submits that claim 1 is patentable and in condition for allowance.

Claims 3 - 7 and 9 - 10 each depend from claim 1 and recite further limitations therefrom. Therefore, Applicant submits that these claims are patentable as well.

Claim 14 recites a pseudo-live performance generator comprising a controller that detects a need for performance information by determining a time of a previous information reception event. This feature, as discussed above, is not taught by Picco et al. Therefore, Applicant submits that claim 14 is patentable and in condition for allowance.

Claims 16 - 20 and 22 - 23 each depend from claim 14 and recite further limitations therefrom. Accordingly, Applicant submits that these claims are patentable as well.

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CONCLUSION

Having addressed the rejection of claims, Applicant respectfully submits that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

Date: April 15, 2005

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